

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Joseph H. Rodriguez, U.S.D.J.
v.	:	
KEITH CLACK,	:	Crim. No. 18-66(JHR)
Defendant.	:	PRELIMINARY ORDER OF FORFEITURE AS TO SPECIFIC PROPERTY (FINAL AS TO THE DEFENDANT)

WHEREAS, on or about February 14, 2018, pursuant to a plea agreement with the United States, defendant Keith Clack (the "defendant") pled guilty to a one-count Information (the "Information"), which charged him with knowingly possessing child pornography, in violation of 18 U.S.C. §§ 2252A(a)(5) and 2252(b)(2);

WHEREAS, as part of his plea agreement, the defendant agreed to forfeit to the United States, pursuant to 18 U.S.C. § 2253, all of his right, title, and interest in: (1) all computer and computer accessories on which law enforcement, on or about June 20, 2017, discovered visual depictions described in 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, 2252B, and 2260; (2) all visual depictions described in 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, 2252B, and 2260, that were produced, transported, shipped, distributed or received in violation of chapter 109A of Title 18, United States Code; (3) all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in the Information; and (4) all property, real

and personal, used or intended to be used to commit or to promote the commission of the offense charged in the Information and all property traceable to such property, including:

1. One (1) Toshiba laptop;
2. One (1) white Samsung Galaxy cell phone;
3. One (1) gold LG phone [LG model K373];
4. One (1) Black LG phone; and
5. One (1) Samsung tablet [Samsung Galaxy Tablet model SM-T550].

(collectively, the "Specific Property");

WHEREAS, in the plea agreement, the defendant further consented to the entry of orders of forfeiture as to the Specific Property pursuant to Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure; to waive all interest in the Specific Property in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal; and to waive the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment;

WHEREAS, pursuant to 21 U.S.C. § 853(n)(1) (as incorporated by 18 U.S.C. § 2253(b)) and Federal Rule of Criminal Procedure 32.2(b)(6), the Government is now required to publish notice of the forfeiture and provide notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding; and

WHEREAS, good and sufficient cause has been shown, it is hereby ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant to 18 U.S.C. § 2253, by virtue of the defendant's guilty plea to the offense charged in the Information, in violation of 18 U.S.C. § 2252A, and pursuant to the plea agreement and Rule 32.2(b)(2)(A) of the Federal Rules of Criminal Procedure, all of the defendant's right, title, and interest in the following properties are hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n)(1) (as incorporated by 18 U.S.C. § 2253(b)):

1. One (1) Toshiba laptop;
2. One (1) white Samsung Galaxy cell phone;
3. One (1) gold LG phone [LG model K373];
4. One (1) Black LG phone; and
5. One (1) Samsung tablet [Samsung Galaxy Tablet model SM-T550].

(collectively, the "Specific Property");

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against defendant Eric Ziegler, shall be made part of his sentence, and shall be included in the judgment of conviction therewith.

3. The United States (or its designee) shall maintain custody of the Specific Property and hold such property in its secure custody and control pending entry of a final order of forfeiture.

4. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site [www.forfeiture.gov](http://www.forfeiture.gov). The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

5. The notice of forfeiture must describe the Specific Property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought. See Fed R. Crim. P. 23.2(b)(6); 21 U.S.C. § 853(n)(2), (3).

6. Any person, other than the defendant, claiming interest in any of the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site, or no later than 35 days from the mailing of direct notice, whichever is earlier, pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of

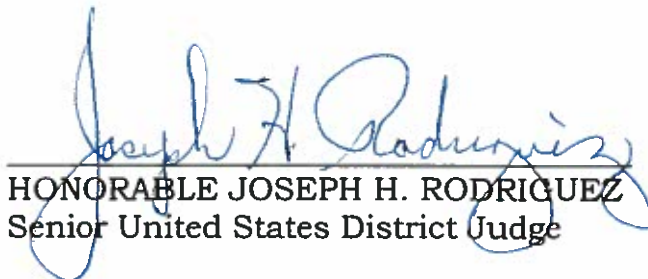
the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

7. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2), in which all interests will be addressed.

8. Following the entry of a Final Order of Forfeiture in the above-captioned case, the United States (or its designee), in its sole discretion, may destroy the Specific Property named in the Final Order of Forfeiture.

9. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 14<sup>th</sup> day of February, 2018.

  
HONORABLE JOSEPH H. RODRIGUEZ  
Senior United States District Judge

The undersigned hereby consent  
to the entry and form of this Order:

CRAIG CARPENITO  
United States Attorney



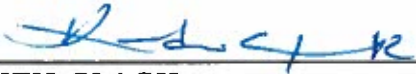
By: JASON M. RICHARDSON  
Assistant United States Attorney

Dated: 2/14/18



THOMAS YOUNG, ESQ.  
Assistant Federal Public Defender  
Attorney for Defendant Keith Clack

Dated: 2-14-18



KEITH CLACK  
Defendant

Dated: 2-14-18